



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 14, 1998

H.R. 2869 **Self Audit Promotion Act of 1998**

*As ordered reported by the House Committee on Education and the Workforce on
June 10, 1998*

H.R. 2869 would enable employers to withhold from the Secretary of Labor records and reports obtained during a occupational safety and health review conducted by or for the employer. Disclosure of such information could be required if it is sought as part of a criminal proceeding. Disclosure could also be required for the purposes of establishing the cause or employer's knowledge of a particular violation, but only if the Secretary established that the employer was not in compliance with the act and if the employer had not undertaken good faith efforts to address items identified by the employer's review.

Under current law, access to an employer's self audit report provides information that facilitates the Occupational Safety and Health Administration's (OSHA) determination of the extent to which a workplace complies with regulations and to which an employer has made efforts to put the workplace in compliance. Enactment of H.R. 2869 would increase the time and effort required to determine the extent of compliance. According to OSHA authorities, the extent to which access to employer self-audit reports aids an investigation cannot be measured. Therefore, the costs that OSHA would incur if it no longer had access to this information cannot be determined.

H.R. 2869 would not affect direct spending or receipts; therefore pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budget of state, local, or tribal governments.

The federal cost estimate was prepared by Cyndi Dudzinski, the impact of this legislation on state, local, and tribal governments was determined by Marc Nicole, and the impact on the private sector was determined by Kathryn Rarick. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.